



901 California Avenue Palo Alto, CA 94304-1104 Main: 650 • 496-8400 FAX: 650 • 496-1200

FAX TRANSMITTAL SHEET**NO. OF PAGES** (including this page): 15

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Mail Stop PATENT EXTENSION
Art Unit: 1646
FAX: (703) 872-9306

FROM: Sheela Mohan-Peterson
DATE: August 24, 2004

RE: Docket No.: DX01341
USSN: 10/008,566
Filed: November 8, 2001
Title: Nucleic Acids Encoding a Cytokine Receptor Complex (as amended)

Any difficulty with this facsimile, please call: Melanie Lyons at (650) 496-1183

Documents attached:

- Transmittal (1 page)
- Fee Transmittal, in duplicate (2 pages)
- Application for Patent Term Adjustment (2 pages)
- Application Under 37 CFR 1.705 for Correction of Patent Term Adjustment, with attachments (9 pages)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Mail Stop Patent Extension, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number (703) 872-9306, on August 24, 2004.

A handwritten signature in black ink, appearing to read "Melanie Lyons", written over a horizontal line.
Melanie Lyons

CONFIDENTIALITY NOTE: This sheet and/or the document(s) accompanying it contain information belonging to DNAX which is confidential and/or legally privileged. The information is intended only for the use of the person or entity named above. If you have received this fax in error, please immediately notify us by telephone or return Fax.

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

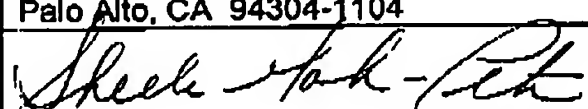
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/008,566
		Filing Date	02/08/2001
		First Named Inventor	Pedro A. Reche-Gallardo
		Art Unit	1646
		Examiner Name	Prerna Maria Mertz
Total Number of Pages in This Submission	15	Attorney Docket Number	DX01341

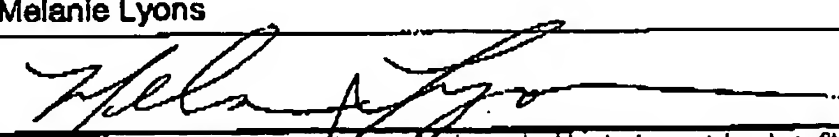
ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, In duplicate (2 pages) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: 1. Application for Patent Term Adjustment (2 pages) 2. Application Under 37 CFR 1.705 for Correction of Patent Term Adjustment, w/attachments (9 pgs.) 3. Fax Transmittal Sheet (1 page)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	24-Aug-2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:			
Typed or printed	Melanie Lyons		
Signature		Date	August 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. Department of Commerce

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00)

Complete if Known

Application Number	10/008,566
Filing Date	02/08/2001
First Named Inventor	Pedro A. Reche-Gallardo
Examiner Name	Prema Maria Mertz
Art Unit	1646
Attorney Docket No.	DX01341

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account

Deposit Account Number: 04-1239

Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	0
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) \$ 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from Below	Fee Paid
17	-20** = 0	X	
1	-3** = 0	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal.	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1603 640	2603 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Application for Patent Term Adjustment 200

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 200

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Sheela Mohan-Peterson	Registration No.	41,201	Telephone	1-650-496-6400
Signature	<i>Sheela Mohan-Peterson</i>	Date	24-Aug-2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED
CENTRAL FAX CENTER

Appl. No. 10/008,566

OFFICIAL

AUG 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Pedro A. RECHE-GALLARDO

Application No.: 10/008,566

Filed: February 8, 2001

For: NUCLEIC ACIDS ENCODING A
CYTOKINE RECEPTOR
COMPLEX (as amended)

Examiner: Prema Maria MERTZ

Art Unit: 1646

Conf. No.: 6688

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Mail Stop Patent Extension, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number (703) 872-9306, on August 24, 2004.

by:


MELANIE LYONS

MAIL STOP: Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR
RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF
ALLOWANCE (37 C.F.R. § 1.705)(b)

Sir:

1. This is a request for reconsideration of the patent term adjustment of 344 days indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. §154(b) that was attached to the Notice of Allowance mailed on May 25, 2004, in the present case. It is respectfully submitted that Applicants be afforded a patent term adjustment of **421 days**.
2. The issue fee has not yet been paid.
3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Grounds Under 37 C.F.R. § 1.702 For the Adjustment (37 C.F.R. § 1.705 (b) (2)(I) and (II))".
4. Any patent granted on this application (37 C.F.R. § 1.705 (b) (2)(iii)) is not subject to a terminal disclaimer.

Appl. No. 10/008,566

5. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in (37 C.F.R. § 1.704 (37 C.F.R. § 1.705 (b) (2)(iv)): there was none (37 C.F.R. § 1.705 (b) (2)(iv) (B).

6. The fee of \$200.00 set forth in (37 C.F.R. § 1.18(e), required by (37 C.F.R. § 1.705 (b) (1)), and any additional fees, may be charged to DNAX Deposit Account No. 04-1239. Any refund in fees may be credited to the same Deposit Account.

Respectfully submitted,

Date: August 24, 2004

By:



Sheela Mohan-Peterson
Registration No.: 41,201
Attorney for Applicants

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Tel. (650) 496-6400
Tel. (Direct): (650) 496-1244
Fax: (650) 496-1200

Appl. No. 10/008,566

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Pedro A. RECHE-GALLARDO et al.

Application No.: 10/008,566

Filed: November 8, 2001

For: NUCLEIC ACIDS ENCODING A
CYTOKINE RECEPTOR
COMPLEX (as amended)

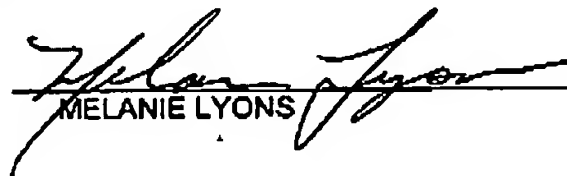
Examiner: Prema Maria MERTZ

Art Unit: 1646

Conf. No.: 6688

I hereby certify that this correspondence is being transmitted by
facsimile to the U.S. Patent and Trademark Office, Mail Stop
Patent Extension, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, Fax Number (703) 872-9308, on
Aug. 24, 2004

by:


MELANIE LYONS

MAIL STOP: Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT: GROUNDS UNDER
37 C.F.R. § 1.702 FOR THE ADJUSTMENT (37 C.F.R. § 1.705 (b)(2)(i) AND (ii))**

Sir:

1. This statement is being submitted in support of the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)" to which this statement is attached.

37 C.F.R. § 1.705 (b)(2)(i)

2. The patent term adjustment shown on the Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b) that was attached to the Notice of Allowance is 344 days. Applicants believe that this determination of 344 days is an error, due to improper calculations based on the entries in "PALM" by the USPTO. It is respectfully submitted that the correct patent term adjustment under 37 C.F.R. § 1.702 is **421 days**.

Appl. No. 10/008,566

37 C.F.R. § 1.705 (b)(2)(ii)

3. The basis on which Applicants seek adjustment is as follows:

A. Adjustment is sought for entry number 18 (mailing of the Restriction Requirement) dated February 20, 2004, which, as the Office's Determination of Patent Term Adjustment acknowledges, is clearly more than the 14-month PTO First Action under 35 U.S.C. § 132. Accordingly, a **credit of 408 days** is due Applicants (37 C.F.R. § 1.703(a)(3)).

B. Adjustment is sought for the projected issue date of November 30, 2004 which would be 22 days past the 3-Year PTO issue of Patent (37 C.F.R. § 1.702 (b) and 37 C.F.R. § 1.703 (b)). The projected issue date of November 30, 2004 is the Tuesday before the end of 28 weeks from the date of Notice of Allowance. Under the PTO Rules, the 3-year period for issue ends on November 8, 2001. Thus, a **credit of 22 days** is due Applicants.

Thus, a **total of (408 + 22=) 430 days is due as credit** to Applicants.

C. The PTO indicates that 36 days are debited (see entry number 8). Applicants believe that this is in error, as a Notice to file Missing Parts was mailed on January 29, 2002. Applicants responded to the Notice to File Missing Parts on May 8, 2002, thus a debit of 9 days is correct. Further, the PTO has debited Applicants 28 days (see entry number 21). No actions were due and a response was filed by Applicants following a telephonic interview with the Examiner. Subtracting the **debit of 9 days**, Applicants are entitled to a **net credit of 421 days**.


Appl. No. 10/008,566

4. A copy of the Analysis Summary Report calculated by a commercial software, Analysis Calendar as well as the Patent Term Adjustment History from PAIR are attached.

Applicants respectfully request a favorable decision on the patent term adjustment of 421 days in this case.

Respectfully submitted,

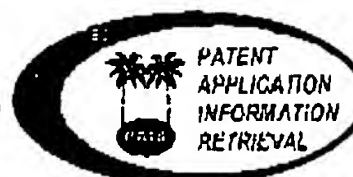
Date: August 24, 2004

By: 
Sheela Mohan-Peterson
Registration No.: 41,201
Attorney for Applicants

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Tel. (650) 496-6400
Tel. (Direct): (650) 496-1244
Fax: (650) 496-1200



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
PATENT APPLICATION INFORMATION RETRIEVAL

Patent Term Adjustment (PTA) for publication number: 10/008,566			
			Days
Filing or 371(e) Date:	11-08-2001	USPTO Delay (PTO):	408
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	64
Post-Issue Petitions (days):	+0	Total PTA:	344
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Image File Wrapper
File History
Publication Review
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
05-25-2004	Mail Notice of Allowance		
05-24-2004	Issue Revision Completed		
05-21-2004	Notice of Allowance Data Verification Completed		
05-21-2004	Notice of Allowability		
04-22-2004	Date Forwarded to Examiner		
04-19-2004	Supplemental Response		28
03-29-2004	Date Forwarded to Examiner		↑
03-22-2004	Response to Election / Restriction Filed		↑
02-20-2004	Mail Restriction Requirement	408	
02-19-2004	Requirement for Restriction / Election	↑	
11-21-2003	Preliminary Amendment	↑	
08-22-2003	IFW TSS Processing by Tech Center Complete	↑	
07-21-2003	Case Docketed to Examiner in GAU	↑	
04-14-2003	Information Disclosure Statement (IDS) Filed	↑	
12-18-2002	Information Disclosure Statement (IDS) Filed	↑	
12-16-2002	Case Docketed to Examiner in GAU	↑	
09-04-2002	Case Docketed to Examiner in GAU	↑	
06-05-2002	Application Dispatched from OIPE	↑	
06-04-2002	Application Is Now Complete	↑	36
05-08-2002	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	↑	↑

PAIR Page

Page 2 of 2

05-08-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	↑
05-08-2002	A statement by one or more Inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	↑
05-22-2002	CRF Is Good Technically / Entered Into Database	↑	↑
01-29-2002	Notice Mailed—Application Incomplete—Filing Date Assigned	↑	↑
12-20-2001	IFW Scan & PACR Auto Security Review	↑	
11-08-2001	Initial Exam Team nn	↑	



Analysis Summary Report

Docket Number:	DX01341	Analysis Generated:	06/22/2004 04:10:24 PM ET
Application Number:	10/008,566	User Name:	Lyons, Melanie
Filing Date:	11/08/2001	Firm/Company Name:	DNAX Research, Inc.
Title/Inventors:	MAMMALIAN CYTOKINES; RECEPTORS; RELATED REAGENTS AND METHODS; Pedro Reche-Gallardo, Boston, MA (US)	Attorney/Agent Comments:	

Earliest Referenced Application Date:	11 / 08 / 2001
Filing Date (US National Application):	11 / 08 / 2001
Net Adjustment Credits:	430 Days
Net Adjustment Debits:	9 Days
Net Patent Term Adjustment:	421 Days
ALPA Patent Term End Date:	01 / 03 / 2023 (1)
(1) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 11/08/2021.	

<p>11/08/2001 Filing Date under 35 USC 111(a) (US National Application)</p>	<p>14-Month PTO First Action</p> <p>PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).</p>	<p><i>First PTO Action:</i></p> <p>02/20/2004 Restriction / Election-of-Species</p>	<p>0</p>	<p>0</p>	<p>408</p>
<p>11/08/2001 Filing Date under 35 USC 111(a) (US National Application)</p>	<p>3-Year PTO Issue of Patent</p> <p>PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b).</p> <p>You have elected to analyze this rule under the PTO Interpretation. Under this interpretation, the last day of the three year period is 11/08/2004. Both interpretations produce the same result.</p>	<p><i>Issue Date:</i></p> <p>11/30/2004 Issue Date</p>	<p>0</p>	<p>0</p>	<p>22</p>
<p>01/29/2002 Notice to File Missing Parts (nonprovisional application)</p>	<p>3-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>05/08/2002 Response to Notice to File Missing Parts</p>	<p>0</p>	<p>9</p>	<p>0</p>

D 02/20/2004 Restriction / Election-of-Species	<p>3-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	Applicant Response: 03/22/2004 Response to Election-of-Species / Restriction Filed	0	0	0
E 03/22/2004 Response to Election-of-Species / Restriction Filed	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p>	PTO Response: 05/25/2004 Notice of Allowance under 35 USC 151	0	0	0
F 05/25/2004 Notice of Allowance under 35 USC 151	<p>3-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	Applicant Response: 08/25/2004 Issue Fee Payment under 35 USC 151	0	0	0
G 08/25/2004 Issue Fee Payment under 35 USC 151	<p>4-Month PTO Issue of Patent</p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	Issue Date: 11/30/2004 Issue Date	0	0	0
Total Exclusion, Debit, and Credit Days			0	9	430

Overlap Days	0	0	0
Net Exclusion, Debit, and Credit Days	0	9	430
Net Patent Term Adjustment Days			421
The term of this patent ends on 01/03/2023 (2)			
(2) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 11/08/2021.			

08/22/2004 04:10:24 PM ET

Page 4 of 4

DocId: Number: DX01341